CITY OF ROCKVILLE COMMUNITY PLANNING & DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

TO: Planning Commission

FROM: Jim Wasilak, AICP, Chief of Planning

PLANNER: Deane Mellander, Zoning Administrator

DATE: April 28, 2010

SUBJECT: Zoning Text Amendment TXT2010-00227

RECOMMENDATION: Approve proposed text amendment with modification.

REQUEST: The proposed text amendment would toll the implementation period of any site plan, use permit, project plan or special exception that was valid as of June 30, 2010. The tolling period would run to June 30, 2012.

RELEVANT ISSUES:

- The current tolling legislation adopted by the State legislature will expire on June 30, 2010. Any approved projects that have exhausted their possible extensions will expire at that time.
- There needs to be a discussion of possible alternatives that have a more limited affect.

PREVIOUS RELATED ACTIONS: The Mayor and Council authorized the filing of this text amendment at their meeting on March 15, 2010.

ANAYLSIS: There are a number of development projects that have been approved in the past few years that have not proceeded to the building permit stage (see Attachment A). Mostly, this has been a consequence of the national economic downturn that began in 2007 and continues to this date. Some use permits obtained approval under the prior zoning ordinance. These projects were valid for two years, and were also eligible for two one-year extensions if approved by the Planning Commission. Other projects have received approval under the revised zoning ordinance that went into effect in March of 2009.

In May, 2009 the Governor signed Senate Bill 958, which gave any approved projects in the state (including the subdivisions and municipalities) an automatic extension. The term used for this action is "tolling". In this context, to toll means to stop or suspend temporarily. As applied, any development project that had a valid approval as of January 1, 2008 had their validity time suspended in place until the end of the tolling period, or June 30, 2010. Projects that would have otherwise expired in the period after January 1, 2008 under the City's regulations retained their approval and file for building permits and commence construction by June 30. At that point, however, unless these projects had additional extensions available their validity ends and they would have to begin the approval process from the beginning.

The proposed text amendment would essentially continue the tolling process for an additional 2 years within the City. The language, proposed as a new Section 25.07.16, will toll any project that was deemed valid as of June 30, 2010 until July 1, 2012. This would include any project that would have otherwise expired during the State tolling period. Projects that have been approved since the start of the State tolling period (January 1, 2008) would have whatever implementation period is left as of June 30, 2010 tolled to July 1, 2012, where their implementation period would recommence. Note: The proposed text should be corrected to revise the end of the tolling period to June 30, 2012, rather than July 1.

Technical Aspects of the Text Amendment

The first section of the text amendment modifies the Table of Contents to list the proposed new section in Article 7. The second section modifies the definitions to add the term "Toll", so as to make clear the meaning in this context. For clarification, to toll in this instance means that the implementation period is suspended from the point in its approval process to the end of the tolling period. In a similar example of tolling, a minor is injured in an accident when he is 14 years old, and the state law (statute of limitations) allows a person hurt by negligence two years to file suit for damages. For a minor the statute is "tolled" until he/she becomes 18 and decides whether or not to sue. Thus the minor has two years after turning 18 to file suit.

It is important to clarify the meaning of the term "toll". As defined above, the project is tolled from whatever point it was in the implementation process at the start of the tolling period. At the end of the tolling period the implementation

period resumes from the point at which it was tolled. As an example, if an approved use permit had six months left on its final allowed extension at the start of the tolling period, they will have that six months left to complete implementation once the tolling period ends.

In Article 7, Sections 25.07.07.b, 25.07.08.18.(b), and 25.07.09.n are modified to add a cross-reference to the new language. The new language is added as new Section 25.07.16. Note also that Section 25.07.08.15 is modified to correct a typo to make the proper reference to Section 25.07.01.b.2. In Article 8, Section 25.08.02.b(d) is also modified to provide a cross-reference to the new language for use permits approved under the prior ordinance.

Note that under Section 25.20.03, the code makes it clear that a project approval includes the approval of the adequate public facilities needed for the project. Any tolling or extensions will include the APFO approval. The language reads, in part, as follows:

"Except as otherwise provided in this Section 25.20.03, a determination of adequate public facilities made in connection with the approval of any development approval or any amendment thereto, that is subject to the provisions of the this Chapter, is timely and remains valid so long as the underlying approval remains valid."

Potential Alternatives

In discussion with the Mayor and Council at the time of authorization to file, several members of the Council expressed concern that the proposed language was too broad in that any approved project would be tolled, even if they had not yet reached the end of their initial implementation period or exhausted their extensions. There was some support for giving extensions only to those projects that would have expired, except for the State tolling legislation. Only 5 of the projects in the pipeline would be affected in this case. Ten other approved projects would expire before June 30, 2012 due to having exhausted their available extensions.

If the Planning Commission decides to recommend this narrower approach, then the language in the new section 25.07.16 could be replaced with the following:

Any site plan, use permit, or special exception that was deemed valid as of June 30, 2010 and would otherwise expire as of that date may apply to extend the

implementation period in accordance with the provisions of Sec. 25.05.08. In these cases, the Approving Authority may grant no more than two (2) extensions of one year each. The application for an extension must be filed prior to June 30, 2010 for any projects that would expire as of that date. This provision does not apply to any site plan, use permit, or special exception that is still eligible for extensions under the relevant section of this code.

This alternative language excludes project plans since there is only one project plan that has been approved under the revised ordinance, and it has been validated with the filing of a site plan. The site plan is expected to be acted on by the Planning Commission this April, and if approved would be valid for two years. Two six-month extensions would also be available.

It needs to be noted that a bill that was considered during the recent legislative seession in Annapolis, HB1344, would have tolled any projects approved by a local approving authority from January 1, 2008 until December 31, 2013. However, this bill died in a Senate committee and therefore when the current tolling legislation expires, there will no further state involvement in project extensions.

In drafting the proposed text amendment, the staff took a cue from the current State legislation which effectively tolled all approved projects but didn't give them the remainder of their time since the statute was abrogated. From a purely economic standpoint, extending all of the approvals would essentially level the playing field. Any approved project will move forward only when the market allows it and the financing is available.

Further, by extending only those projects for two years that would otherwise expire on June 30, those projects whose approval extends beyond that date may be at some disadvantage because they may have to request extensions, which under the new ordinance are only six months long and are discretionary with the Approving Authority.

While not specifically included in the proposed text amendment, the Planning Commission may wish to consider making a recommendation to the Mayor and Council to revise the length of the project extensions from six months back to one year. Obtaining development approval is one of the early steps in a project. It can take considerable time, even in better economic times, to get to the building permit stage, especially with a major project.

PUBLIC OUTREACH: Notice of the proposed text amendment and the review schedule has been sent to all commercial property owners as well as all civic associations and homeowner's associations.

CONCLUSION: The staff recommends approval of the proposed text amendment as filed with a minor technical change to the last sentence to change the date of the end of the tolling period from July 1, 2012 to June 30, 2012.

Attachments:

- A. List of Projects Affected by the Text Amendment
- B. Proposed Text Amendment

Mark District Build Mark District Build Build Mark District Build	Project Name	Application	Status	Add		Expiration Extension	Notes
USEZONG-00056 Approved 1462 Newsorth Blvd 12202000 12202010 1-year 12202000 1-year 12202000 1-year 12202000 12202010 1-year 12202010 1-year 1220200 1-year 12202010 1-year 12202	Approved Projects						
USEZOGG-GORGE Approved 011 Recolubre Add 101 Recolubre 101 Recolubre Add 101 Recolubre 1	ATF site (Building 3)	USE2001-00630	Approved	1405 Research Bivd	12/20/2000	12/20/2008 N/A	Bldg 3 expired per ZO; Tolled
USE-2006-60088 Approved Approved 120 First St A1192009 A1192010	Sandy Spring Bank (Building 2)	USE2003-00688	Approved	611 Rockville Pike	4/12/2004	4/12/2012 N/A	Multiphase Project, Implemented
USE/D006-00089 Approved Style First Style 4/11/2001 1/11/2001 <td>1711 Research Blvd</td> <td>USE2005-00688</td> <td>Approved</td> <td>1711 Research Bivd</td> <td>10/10/2005</td> <td>10/10/2009 N/A</td> <td>Expired per ZO; Toiled</td>	1711 Research Blvd	USE2005-00688	Approved	1711 Research Bivd	10/10/2005	10/10/2009 N/A	Expired per ZO; Toiled
USE-2006-00700 Approved Sit Hungaridod Dr	Rockville Housing Enterprises office building	USE2005-00689	Approved	1200 First St	4/19/2006	4/19/2010 N/A	Expired per 20; Tolled
USE/2006-000464 Approved 28.0 ft. Guide D	Chevron Gas Station	USE2006-00700	Approved	801 Hungerford Dr	7/11/2007	7/11/2010 1 1-year	
USEZONO-GOTTA Approved 25 & 55 W, Geb Dr. 61/32/2008 61/32/2	Rockville Volunteer Fire Station	USE2005-00694	Approved	380 Hungerford Dr	7/19/2007	7/19/2010 1 1-year	
USECONG-GOTOTY Approved 254 Nem' Nashingen St 8/32/2009 8/32/2009 12/12	COPT (Buildings 3 & 4)	USA1983-0279F	Approved	25 & 35 W. Gude Dr	6/13/2008	6/13/2010 2 1-year	Multiphase Project, Not implemented
USEZONG-GOTTA Approved 218 features Rad 12728/2008 12728/200	Beall's Grant II	USE2007-00707	Approved		8/29/2008	8/29/2010 2 1-year	On Appeal at Court of Appeals
USE-2006-20074 Agroved 1592 Recivielle Piec 12022009 1222001 12987 1202001 12987 1202001 12987 1202001 12987 1202001 12987 1202001 12987 1202001 12987 1202001 12987 1202001 12987 1202001 12987 129	Chabad Orthodox Synagogue	USE2009-00712	Approved	216 Rollins Ave	12/12/2008	12/12/2010 2 1-year	Building permit on file
STEP2006-00011 Approved 1725/0016	Korean Methodist Church	USE2007-00704	Approved	2181 Baltimore Rd	12/29/2008	12/29/2010 2 1-year	
STEP2010-60013 Approved Total Common Place STEP2010-60013 Approved Total Common Place STEP2010-60013 Approved Total Common Drive STEP2010 STEP2011 STEP2010-60013 Approved	St Raphael's School	USE2009-00711	Approved	1592 Kimblewick Road	1/22/2009		The state of the s
STR2010-00013 Agroved 5 Research Per 12/18/2009 12/18/2012 Centroth STR2010-00022 Agroved 14625 Rottingb Drive 3/2/2010 3/2/2010 3/2/2010 2/2/	Wootton Crossina	STP2009-00002	Approved	799 Rockville Pike	8/13/2009	8/13/2011 2 6-month	
STREAD GOODS Approved 1150 Camalon Drive 30,22010 32,2012 6 a,02012 6 e-month	5 Research Place	STP2010-00013	Approved	5 Research PI	12/18/2009	12/18/2011 2 6-month	Building permit on file
STP2010-00028	Gude Drive Maintenance Facility	STP2010-00020	Approved	14625 Rothgeb Drive	3/2/2010	3/2/2012 2 6-month	
STP2010-00027 Approved 2 West Montgomery Ave 3/24/2010 2 Emonth	Rockville Senior Center addition	STP2010-00028	Approved	1150 Camation Drive	4/6/2010	4/6/2012 2 6-month	
STP2010-00022 Approved 9110 Damestoun Road 41442010 2 Amonth	Rockville Police Station and Annex	STP2010-00027	Approved	2 West Montgomery Ave	3/24/2010*	2 6-month	Approval letter not issued
CPD2005-002AK Approved 901 King Farm Blvd 775/2005 775/2005 775/2009 NA CPD2005-002AK Approved String Farm Blvd 775/2005 771/2005 771/2001 CPD2005-002AL Approved String Farm Blvd 1273/2007 12/3/2001 171/2001 CPD2005-002AW Approved 301 King Farm Blvd 12/3/2007 12/3/2001 171/2001 CPD2005-0004W Approved 2000 Kessarch Blvd 2/23/2006 2/23/2001 11-sear CPD2005-0004W Approved Shady Grove Road 1/21/2006 12/15/2010 1-year CPD2005-0004W Approved Chapman Ave 1/21/5/2006 12/15/2010 1-year USE2005-00684 Approved Chapman Ave 1/21/5/2006 12/15/2010 1-year FH) USE2006-00685 Approved Fishers La 1/21/5/2006 12/15/2010 1-year FH) USE2006-00686 Approved 1/12 Rockville Pike 1/15/2006 1/15/2011 1-year FPD2006-00009 Approved 1/20/200 1/20/20	Kol Shaper Symbolica	STP2010-00022	Approved	9110 Damestown Road	4/14/2010*	2 6-month	Approval letter not issued
CPD62-0002 Approved String Farm Blvd 77520d5 77520d9 NA CPD2005-002AA Approved King Farm Blvd 9712005 97120015 NA CPD20005-002AA Approved String Farm Blvd 17352005 173520101 1-year CPD20005-002AA Approved String Farm Blvd 17352007 173520101 1-year CPD20005-002AW Approved String Farm Blvd 12732007 173520101 1-year CPD20005-002AW Approved Key Weet/Falls grove Dr 12742007 12752010 1-year CPD2000-004AC Approved Key Weet/Falls grove Dr 127182005 127182006 12718200 12-year PDP2004-00004 Approved Chapman Ave 127182005 12718200 12-year 12718200 12-year LOSE2005-00684 Approved Chapman Ave 12718200 12-year 12718200 12-year LOSE2006-00685 Approved Fishers La 12718200 12-year 12718200 11-year LOSE2006-006864 Approved Chapman Ave 12718200 12-year 11742014 NA LOSE2006-006865 Approved Approved	Approved Planned Developments						
CPD2005-002AK Approved 901 King Farm Blvd 71/92006 71/92006 71/92006 71/92006 71/92006 71/92006 71/92006 71/92006 71/92006 71/92006 71/92007 71/920	King Farm	CPD95-0002					
CPD2003-002AL	King Farm-Irylogton Center (FS)	CPD2005-002AK	Approved	901 King Farm Blvd	7/5/2005	7/5/2009 N/A	Expired per ZO; Tolled
CPD2003-0002AC Approved 901 King Farm Blvd 1503 Piccard 12/3/2007 12/3/2001 11-year	King Form - Indeeda (Dhaces 2.8.3)	CPD2005-002AI	Annroved	King Farm Blvd	9/12/2005	9/12/2013 N/A	Multiphase Project, Implemented
CPDS9-2004 Approved 900 King Fam Blvd 12/3/2007 12/3/2007 12/3/2007 11/3/2010 11-war CPDS9-2004W Approved 2300 Research Blvd 2/23/2006 2/23/2014 NA 2/23/2014 NA 4/24/2007 2/23/2014 NA 4/24/2007 1/21/3/2009 </td <td>King Farm-Invitation Center (F7/F8)</td> <td>CPD2003-002AC</td> <td>Approved</td> <td>801 King Farm Blvd/1503 Picc</td> <td></td> <td>5/14/2015 N/A</td> <td>Multiphase Project, Implemented</td>	King Farm-Invitation Center (F7/F8)	CPD2003-002AC	Approved	801 King Farm Blvd/1503 Picc		5/14/2015 N/A	Multiphase Project, Implemented
CPD99-0004 CPD99-0004 CPD99-0004 CPD99-0004 CPD9005-0004W Approved Shady Grove Road 4724/3007 47	King Farm-Indicator Center (F6)	CPD2007-002AM	Approved	900 King Farm Blvd		12/3/2010 1 1-year	
CPD99-0004 Approved 2300 Research Blvd 2223/2006 2223/2014 NA CPD2005-0004W Approved Shady Grove Road 4/24/2007 4/25/2010 I 1-year CPD2005-0004B Approved Key West/Falls prove Dr. 12/15/2008 12/15/2010 I 1-year CPD2005-0004B Approved Key West/Falls prove Dr. 12/15/2008 12/15/2010 I 1-year USE2005-00684 Approved Fishers La 12/19/2005 12/19/2005 12/19/2013 II.A DPP2004-0007 Approved Fishers La 1/2.3 Choke Cherry Road 12/19/2005 12/19/2013 II.A DPP2004-0007 Approved Inches La 1/1.23 Choke Cherry Road 1/1/19/2005 1/1/19/2011 II.A CPD2005-0001M Approved 1/1. Rockville Pike 1/1/19/2005 1/1/19/2011 II.A PPD4-0001 CPD2005-0001M Approved 1/26/196 E. Montpomery Ave. 5/23/2007 5/23/2010 II.A PDP2006-00022B Approved Bulland Circle 1/1/14/2006 1/1/14/2014 II.A PDP2006-00011 PDP2006-00022 Approved 10/26/196 E. Montpomery Ave. 5/23/2008 <							
CPD2006-004M Approved Shady Grove Road 2/23/2006 2/23/2016 1/-year CPD2006-004AB Approved Shady Grove Road 4/24/2007 4/25/2010 1/-year 1/21/2008	Fallsgrove	CPD99-0004	AW 177 177 177 177 177 177 177 177 177 17				
CPD2006-004AB Approved Shady Grove Road 4/24/2007 4/25/2010 11-year	Fallsgrove (ASHLA Site) Phase 2	CPD2005-0004W	Approved	2300 Research Blvd	2/23/2006	2/23/2014 N/A	Multiphase Project, Implemented
PDP2004-00086 Approved Chapman Ave 12/19/2006 12/15/2008 12/15/2009 IA	Fallsdrove Executive Center	CPD2006-004AB	Approved	Shady Grove Road	4/24/2007	4/25/2010 1 1-year	Time Extension submitted
PDP2004-00009 LSE2005-00685 Approved Fishers La 12/19/2005	Fallsmove Office North	CPD2007-004AC	Approved	Key West/Fallsgrove Dr	12/15/2008	12/15/2010 2 1-year	Multiphase Project, Not Implemented
PDP2004-00009 PDP2004-00009 PDP2004-00009 PDP2004-00009 PDP2004-00009 PDP2004-00008 PDP2004-00007 PDP2004-00007 PDP2004-00008 PDP2004-0001 PDP2004-0001 PPR2006-00028 PPR2006-00028					Management of the		
USE2006-00684 Aproved Fishers La 12/19/2006 12/19/2009 N/A East) USE2006-00684 Aproved Fishers La 12/19/2005 12/19/2013	Twinbrook Station	PDP2004-00009	_				
USE2006-00684 Approved Fishers La 12/19/2005 12/19/2013 1 1 1 1 1 1 1 1 1	Twinbrook Station (West)	USE2005-00685	Approved	Chapman Ave	12/19/2005	12/19/2009 N/A	Multiphase, Expired per ZO; Tolled
PDP2004-00007 1.2.3 Choke Charm Road 8/4/2006 8/4/2014 N/A PDP2004-00008 1.2.3 Choke Charm Road 8/4/2006 8/4/2014 N/A PDP2004-00008 111 Rockville Pike 1/5/1999 1/5/2011 1.	Twinbrook Station (East)	USE2005-00684	Approved	Fishers La	12/19/2005	12/19/2013	Mutphase Project, Implemented
PDP2004-00007 USE2006-00696 Approved 1,2,3 Choke Chan Road 8/4/2006 8/4/2014 NVA	The state of the s						
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PDP2004-00008	Upper Rock District (Blocks E, F, G & H)	USE2006-00696	Approved	1,2,3 Choke Cherry Road	8/4/2006	8/4/2014 N/A	Multiphase Project, Importanted
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CPD85-0001 CPD85-0001 Aproved 2250/2300 Tower Oaks Blvd 12/29/2005 12/29/2013 IVA PDP94-0001 USE2006-00699 Approved 196/198 E. Montromery Ave. 5/23/2007 5/23/2010 11-var PRU2006-00022B Approved Bullard Circle 11/14/2006 11/14/2014 IVA PDP2006-00011 PDP2006-00012 11/14/2014 IVA 11/14/2014 IVA	רטני פו דומנו וסמונטוו ב מ ט	JOSES AND	200				
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PRU2006-00022 Aproved Bullard Circle 11/14/2014 N/A PDP2006-00011 PDP2006-00011 7/25/2008 7/25/2010 2.1-war	Dubali (Lots 2J & 2K)	USE2006-00699	Approved	196/198 E. Mont. omery Ave.	5/23/2007	5/23/2010 1 1-year	Multiphase, Not In pemented; Time extension submit
PRU2006-00022 Aproved Bullard Circle 11/14/2014 N/A PDP2006-00011 PDP2006-00012 7/25/2008 7/25/2010 2 1-war		and an arrangement			-		
PRU2006-0022B Aproved Bullard Circle 17/14/2006 17/14/2014 PAR PRU2006-00011 PDP2006-00011	Chestnut Lodge	PRU2006-00022			347,44000	14/10/00/14 MIA	Multi ass Prifer Im Ismented
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USE2006-00702 Approved 900 Rockville Pike 7/25/2008 7/25/2010 2 1-, ear	Champion Billiarde	PDP2006-00011					
	Champion	USE2006-00702	Approved	900 Rockville Pike	7/25/2008	7/25/2010 2 1-year	On appeal at Court of Appeals

KSI	PDP2003-00006	********	_	_		
KSI	USE2006-00697	Approved	255 N Washin ton St	12/7/2006	12/7/2010 N/A	
Pending Projects		TOWNSHAPED				
Washingon Properties office building	STP2009-00007	Pending	4 Research Pl			
Avalon at Twinbrook Station	STP2009-00008	Pending	12750 Twinbrook Pkwy			
Brightview of Rockville	SPX2010-00381	Pending	9200 Damestown Rd			
Bealls Grant II (revised plan)	STP2010-00025	Pending	254 North Washington St			
Victory Court Independent Living	STP2010-00034	Pending	209 Monroe Street			SPX on appeal to Circuit Court
National Lutheran Home	STP2010-00039	Pending	9701 Viers Drive			
Rockville Baptist Church addition	STP2010-00037	Pending	55 Adclare Road			

Notes

* Approval date shown is date of action

* Subject to provisions for multiphase projects in the Town Center and Twinbrook Metro performance districts

March 25, 2010

ATTACHMENT TO APPLICATION TO THE CITY OF ROCKVILLE FOR A TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council of the City of Rockville

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (<u>underlining</u> indicates text to be added; [brackets] indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

Amend the Table of Contents to add the following:

* * *

Article 7 - Procedures for Site Plans and Project Plans, Special Exceptions, and Other Permits

* * *

25.07.15 – Additional Permits and Approvals
25.07.16 - Extension of Implementation Period for Approved Projects

* * *

Amend Article 3 – Definitions; Terms of Measurement and Calculations, as follows:

25.03.02 - Words and Terms Defined

* * *

Toll – To suspend or stop temporarily.

* * *

Amend Article 7 – Procedures for Site Plans and Project Plans, Special Exceptions, and Other Permits, by revising Sections 25.07.07, 25.07.08, and 25.07.09, and adding a new section as follows:

25.07.07 - Site Plan Implementation Period

* * *

b. Extensions – Except as set forth in Section 25.07.16, t[T]he Planning Commission or the Chief of Planning may, for good cause shown, grant no more than two (2) extensions of not more than six (6) months each for any prior approval subject to the provisions of Section 25.05.08, "Extension of Implementation Period". The Planning Commission may require as a condition of approval of an extension that the applicant submit periodic progress reports to the Chief of Planning detailing efforts undertaken to implement the site plan approval.

* * *

25.07.08. - Project Plan Review

* * *

15. Findings - The Mayor and Council must make the findings required in Section 25.07.01.[a.3]b.2.

* * *

- 18. Project Plan Implementation Period—A Project Plan approval expires if:
 - (a) A site plan application implementing all or a portion of a Project Plan is not filed within six (6) months of the date of the Mayor and Council's approval or within such other period of time as may be provided in the approval; or
 - (b) Except as set forth in Section 25.07.16, c[C]onstruction on all phases of the approved Project Plan has not commenced within the time period set forth in the Project Plan approval, except that the approval does not terminate with respect to those phases of the Project Plan for which construction has commenced.

* * *

25.07.09 - Special Exceptions

* * *

n. *Implementation Period* - A special exception approval expires under the following circumstances:

* * *

4. *Extension* - The Board may, for good cause shown, grant no more than two (2) extensions of the implementation period of not more than six (6) months each, subject to the provisions of Section 25.05.08, except for those projects subject to the provisions of Section 25.07.16.

25.07.16 - Extension of Implementation Period for Approved Projects

Any site plan, project plan, use permit, or special exception that was valid as of June 30, 2010 shall have the remainder of their implementation period tolled until June 30, 2012. For all projects extended pursuant to this provision, the implementation period remaining as of June 30, 2010 shall resume running as of July 1, 2012. The implementation period of any such projects approved between June 30, 2010 and June 30, 2012 are tolled until July 1, 2012.

* * *

Amend Article 8 – Transitional Provisions, Nonconformities, Nonconforming Alteration Approval, as follows:

25.08.02 - Transitional Provisions

* * *

b. Previously Approved Developments -

* * *

(d) Nothing herein shall affect the validity of a use permit for a building constructed in accordance with the requirements of the use permit prior to the expiration for the time frames set forth herein, and as may be extended by the provisions of Sec. 25.07.16.